

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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FAO No.3034 of 2015 (O&M)

Date of Decision : 30.01.2019

LABH SINGH AND OTHERS

....APPELLANTS

V/S

KULWINDER KUMAR AND OTHERS

....RESPONDENTS

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Vipul Sharma, Advocate for
Mr. Nitin Mittal, Advocate
for the appellants.

None for the respondents.

B.S. WALIA, J. (ORAL)

CM No.9120-CII of 2015

Allowed, as prayed for.

FAO No.3034 of 2015

[1] None is present on behalf of the respondents. Since, the appeal is of the year 2015 besides none was present even on 08.05.2017, whereafter the case was adjourned by order from time to time. I am not inclined to adjourn the case any further.

[2] Appeal has been filed by the claimants, challenging the deduction made while making award of compensation on account of death of Saroopi Devi, housewife, aged 75 years in a motor vehicular accident on 21.07.2012.

[3] The learned Motor Accident Claims Tribunal, SAS Nagar, Mohali, assessed the contribution of the deceased housewife towards her family at Rs.4000/- per month, applied multiplier of '5' and by making deduction of 50% of the notional contribution of the deceased towards her family awarded compensation of Rs.1,45,000/-.

[4] The only grievance of the appellants-claimants is that no deduction could have been made out of the notional income of the deceased.

[5] Admittedly, the deceased was a housewife and the learned Tribunal took into account the notional contribution made by the deceased housewife towards her family at Rs.4000/-. In view of the decision of this Court in '**Cholamandalam MS General Insurance Company Limited** versus **Lakshmi Chand and others**', i.e. *FAO No.3483 of 2013, decided on 26.02.2015*, in case of assessment of notional contribution of deceased housewife towards the family, neither future prospects can be awarded nor deduction can be made towards personal expenses. Accordingly, in the light of the decision in **Cholamandalam's** Case (*supra*), deduction @ 50% as ordered by the learned Tribunal is set aside and the appellant-claimants are held entitled to 100% towards dependency i.e. Rs.2,40,000/- instead of dependency of Rs.1,20,000/- as worked out after making deduction of 50% towards personal expenses of the deceased.

[6] Accordingly, as against compensation of Rs.1,45,000/- i.e. Rs.1,20,000/- on account of dependency and Rs.25,000/- on account of funeral expenses, the appellants-claimants are held entitled to Rs.2,40,000/- on account of dependency and Rs.15,000/- on account of funeral expenses as against Rs.25,000/- awarded by the learned Tribunal, besides Rs.15,000/- on account

effect from the date of claim petition, till date of payment, less payment, if any, already paid. The appeal is **allowed** and award dated 01.10.2014, passed by the learned Motor Accidents Claims Tribunal, SAS Nagar, Mohali, is **modified** to the extent as noted above.

(B.S. WALIA)
JUDGE

January 30, 2019
‘rajneesh’

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No